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## Rules, Regulations, Orders

### TITLE 14—CIVIL AVIATION

#### CHAPTER III—AIR SAFETY BOARD, CIVIL AERONAUTICS AUTHORITY

##### AMENDMENT OF RULES AND REGULATIONS

At a session of the Air Safety Board held at its office in Washington, D. C., on the 30th day of November, 1939:

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly Section 702 (a) (1) thereof, and finding that such action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Air Safety Board amends its rules and regulations which were promulgated July 11, 1939 and filed with the FEDERAL REGISTER on August 24, 1939 (4 F.R. 3716):

Paragraph (1), relating to *Notification*, is amended by striking the words "registered number" in the first sentence thereof and inserting in lieu thereof the words "identification mark."

By the Board.

R. D. HOYT,  
Executive Officer.

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 5th day of December 1939:

Acting pursuant to Section 702 (a) (1) of the Civil Aeronautics Act of 1938, the Civil Aeronautics Authority approved the above amendment to the rules and regulations of the Air Safety Board.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-4534; Filed, December 7, 1939; 10:34 a. m.]

### TITLE 15—COMMERCE

#### CHAPTER III—BUREAU OF FOREIGN AND DOMESTIC COMMERCE

[Order No. 7]

##### SUB-TITLE B—REGULATIONS RELATING TO COMMERCE

##### PART 305—FOREIGN TRADE STATISTICS

§ 305.33 is amended to read as follows:

*Declarations for exports by railways, ferryboats, and vehicles.* (a) Any person who delivers merchandise to any transportation company for exportation from the United States to a foreign country by rail, ferryboat, or vehicle must deliver to the collector of customs at the port through which the merchandise passes into foreign territory export declarations in triplicate on commerce form 7525, showing the kinds, quantities, and values of all merchandise delivered by him or his agent to such carrier for exportation.

(b) The collector shall not permit any car or other vehicle laden with merchandise intended for exportation to any foreign country to depart from the United States until a declaration specifying the kinds, quantities, and values of the merchandise has been delivered to him by the shipper or his agent.

§ 305.38 is amended to read as follows:

*Car manifests—Shipper's export declarations.* (a) Upon arrival of merchandise for exportation at a border port the carrier must deliver to the collector of customs a car manifest, giving marks and numbers, the name of the shipper or consignee, description of the goods, and the destination thereof. This manifest may be the waybill, or a copy thereof or a copy of the manifest prepared for the foreign customs. The required shipper's export declarations in triplicate must be attached to the car manifest or waybill when delivered to the collector.

(b) Under the provisions of the Act of March 3, 1893, no railway car containing commodities for export will be permitted to leave the United States until

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the car manifest and shipper's export declarations have been delivered to the collector of customs.

§ 305.39 is amended to read as follows:

*Exportation by ferry or vehicle—Shipper's export declarations.* The shipper

or his agent must deliver shipper's export declarations in triplicate to the customs officer covering all goods exported by ferry, wagon, or other vehicle. The customs officer will retain the original declaration and one copy and deliver a certified duplicate to the shipper, master, or driver as a permit for the exportation of the goods. The driver or person in charge of a vehicle will deliver the certified duplicate to the customs officer when the goods are taken out of the country. The master of a ferry will deliver to the customs officer at the close of each day all duplicates received during that day, accompanied by a statement that such duplicate declarations cover all goods exported on such ferry during that day.

§ 305.40 is amended to read as follows:

*Penalty.* The agent or other employee of any railway or transportation company who shall transport any merchandise into a foreign country before the delivery of export declarations shall be liable to a penalty of \$50.00 for each offense.

§ 305.42 is amended to read as follows:

*Shipments from the interior for export.* (a) For goods shipped on a through export bill of lading from an interior point to a foreign country or to a non-contiguous territory of the United States, the shipper must prepare and deliver to the carrier the export declaration in triplicate to accompany the waybill to the seaboard or border port of exportation.

(b) For shipments from the interior on domestic bills of lading consigned to the seaboard for exportation, the export declarations may be delivered to the carrier as prescribed above or mailed to the consignee at the port of exportation.

§ 305.43 is amended to read as follows:

*Divided shipments.* If a shipment is divided at the port of exit by accident or intention, part being exported in one vessel or car and part in another, the agent of the carrier will note the amount shipped on the declaration attached to the vessel or car manifest. Declarations in triplicate covering subsequent shipments must be prepared by the carrier's agent from records of the previous shipment and be presented to the collector when the remainder is shipped. The number of the original declaration must be noted on each of the copies and duplicates.

§ 305.44 is amended to read as follows:

*Exportations from Alaska, Hawaii, and Puerto Rico via the United States.* Shipper's export declarations in triplicate must accompany merchandise shipped from Alaska, Hawaii and Puerto Rico for transshipment and exportation from a port in the United States and be delivered by the shipping agent to the collector of customs at such port of exportation, with the name of the exporting vessel noted thereon.

(R.S. 161, 5 U.S.C. 22, R.S. 335 as amended, 15 U.S.C. 176, R.S. 336 as amended, 15 U.S.C. 173, and R.S. 337 as amended, 15 U.S.C. 174; also 27 Stat. 197 as amended 15 U.S.C. 177)

[SEAL] EDWARD J. NOBLE,  
Acting Secretary of Commerce.

DECEMBER 1, 1939.

[F. R. Doc. 39-4530; Filed, December 6, 1939; 4:27 p. m.]

## TITLE 19—CUSTOMS DUTIES CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50026]

### ANTIDUMPING

SAFETY MATCHES FROM FINLAND, AUSTRIA (GERMANY), LATVIA, HOLLAND (THE NETHERLANDS), NORWAY, POLAND AND ESTONIA<sup>1</sup>

DECEMBER 5, 1939.

*To Collectors of Customs, Appraisers of Merchandise and Others Concerned:*

An investigation conducted by the Department indicates that the domestic match industry is not being injured and is not likely to be injured by reason of the importation into the United States of safety matches of the strike-on-box type. Accordingly, the findings of dumping against safety matches of the strike-on-box type from Finland, Austria (Germany), Latvia, Holland (the Netherlands), Norway, Poland and Estonia, published, respectively, in T.Ds. 44716 and 44718 to 44723, inclusive, of March 23, 1931, are hereby revoked as regards importations made on or after the date hereof. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160)

[SEAL] HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 39-4529; Filed, December 6, 1939; 3:46 p. m.]

## TITLE 20—EMPLOYEES' BENEFITS CHAPTER II—RAILROAD RETIREMENT BOARD

REGULATIONS GOVERNING CONTRIBUTIONS AND REPORTS BY EMPLOYEE REPRESENTATIVES AND THE POSTING OF NOTICES TO EMPLOYEES UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

### Authority for Regulations

Parts 300 to 399 of these regulations are issued by the Railroad Retirement Board under the general authority contained in Section 12 of the Railroad Unemployment Insurance Act of June 25, 1938. (52 Stat. 1107; 45 U.S.C. Sup. IV, 362) Part 346 of these regulations is

<sup>1</sup> This document affects the tabulation in 19 CFR 12.15.



prescribed effective as of October 1, 1939, as follows:\*

**PART 346—EMPLOYEE REPRESENTATIVES' CONTRIBUTIONS AND REPORTS**

§ 346.01 *Statutory Provisions.* "(b) Each employee representative shall pay, with respect to his income, a contribution equal to 3 per centum of so much of the compensation of such employee representative as is not in excess of \$300 for any calendar month, paid to him for services performed as an employee representative after June 30, 1939. The compensation of an employee representative and the contribution with respect thereto shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in this Act." (Sec. 8, 52 Stat. 1102; 45 U.S.C. Sup. IV, 358)

(Subsections (g) and (h) of section 8 of the Act, quoted in Sec. 345.01 of these Regulations, are also applicable.)

§ 346.03 *Employee representatives' contributions.* (a) Except as provided in paragraph (b) of this section, every employee representative shall pay a contribution equal to 3 per centum of the amount of compensation earned by such employee representative, for services rendered on and after July 1, 1939, as an employee representative, and which is paid, excluding, however, that part of such compensation which is in excess of \$300 and is earned during any one calendar month.

(b) If, in addition to such compensation as an employee representative for a calendar month, there is payable to such individual for the same calendar month compensation as an employee of an employer as defined in section 1 (a) of the Act, and if the aggregate compensation of such individual as an employee representative and as an employee is more than \$300 for the calendar month, then there shall be included in the measure of the contribution required of such employee representative only that proportion of \$300 which the amount earned by him as an employee representative bears to such aggregate compensation for that month. In such case, there shall be included in the measure of the contribution required of each employer because of compensation payable to such individual as an employee during that month only that proportion of \$300 which the amount of compensation payable by such employer to such individual bears to the aggregate compensation of such individual for that month. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362.)

§ 346.10 *Employee representatives' reports of compensation and contribution—*

(a) *General.* For the period of three calendar months ending September 30, 1939, and for each subsequent period of three calendar months ending December 31,

March 31, June 30, and September 30, respectively, of each year, each employee representative shall prepare a report of compensation and contribution, in duplicate, on Form DC-2.

(b) *Compensation to be reported.* The employee representative's report of compensation and contribution shall give all information required by the prescribed form, including (1) his compensation for services as an employee representative in each month of the quarter, (2) his compensation, if any, in each such month as an employee of an employer under the Railroad Unemployment Insurance Act, (3) his aggregate compensation in covered employment, (4) his compensation subject to employee representative contribution, and (5) the amount of his contribution. If the aggregate compensation in covered employment is \$300 or less, the amount of compensation as an employee representative shall be entered as the amount of compensation subject to employee representative contribution. However, if such aggregate compensation is in excess of \$300, the figure to be entered as compensation subject to employee representative contribution is obtained by multiplying the compensation earned as an employee representative by 300 and dividing the result by the amount of such aggregate compensation.

(c) *Statement of facts as to status.* There shall also be included in such report a statement of the facts pertaining to the individual's status as an employee representative, as required by the prescribed forms. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.11 *Final employee representatives' reports of compensation and contribution.* Upon termination of employee representative status, the last report of compensation and contribution of the employee representative on Form DC-2 shall be marked "Final report of compensation and contribution." Such report shall be filed on or before the thirtieth day after the final date on which there is paid compensation with respect to which contribution is required. The period covered by each such report of compensation and contribution shall be plainly written thereon, indicating the final date for which such compensation is earned.

There shall be executed as part of each such final report of compensation and contribution a statement giving the address at which records will be kept from which the compensation reported may be verified and the name of the person keeping the records. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.14 *Execution of employee representatives' reports of compensation and contribution—*(a) *In general.* Each report of compensation and contribution on Form DC-2 shall be certified by signature and verification under oath or affirmation by the employee representative.

If an individual is an employee representative by reason of regular assignment to or regular employment by an employee

representative who is an officer or official representative of a labor organization, such officer or official representative shall certify under oath or affirmation to the truth, correctness, and completeness of the statements contained in the report. If an individual is an employee representative by reason of being an officer or official representative of a labor organization, the truth, correctness, and completeness of the statements contained in the report shall be certified under oath or affirmation by two officers (other than the reporting employee representative) of each railway labor organization with respect to which the individual is an employee representative.

Any oath or affirmation required by this section may be administered by any officer duly authorized to administer oaths for general purposes by the laws of the United States or the state or territory wherein such oath is administered, or by a consular officer of the United States.

(b) *Authentication by employees of the Board.* In lieu of any oath or affirmation prescribed in subsection (a) of this section any certificate requiring such oath or affirmation may be executed and authenticated before an employee of the Board duly designated and authorized to perform such services, in such manner as may from time to time be prescribed by the Board for the authentication of annuity applications. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.18 *Prescribed forms for employee representatives' reports of compensation and contribution.* Each employee representative's report of compensation and contribution, together with any prescribed copies and supporting data, shall be filled out in accordance with the instructions and regulations applicable thereto. The prescribed forms may be obtained from the Board at Washington, D. C., or from any regional office. An employee representative will not be excused from making a report of compensation and contribution for the reason that no form has been furnished to such employee representative. Application should be made to the Board for the prescribed forms in ample time to have the report of compensation and contribution prepared, verified, and filed with the proper regional office of the Board on or before the date set for the filing thereof. Reports of compensation and contribution shall be carefully prepared so as to set forth fully and clearly the data called for therein. Reports of compensation and contribution which have not been so prepared will not be accepted, and the submission thereof shall have no effect whatever. In case the prescribed form has not been obtained, a statement made by the employee representative disclosing the period covered and the amount of compensation with respect to which the contribution is required may be accepted as a tentative report of compensation and contribution if accompanied by the amount of con-

\*Board Order 39-736 dated November 28, 1939.



tribution due. If filed within the prescribed time, the statement so made will relieve the employee representative from liability for the penalty imposed for the delinquent filing of the report of compensation and contribution, provided that the failure to file a report of compensation and contribution on the prescribed form is not attributable to the fault of the employee representative, and provided further that without unnecessary delay such tentative report is supplemented by a report of compensation and contribution made on the proper form. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.20 *Place and time for filing employee representatives' reports of compensation and contribution.* Each employee representative's report of compensation and contribution shall be filed in the regional office of the Board for the region in which he has his business office as employee representative or, if he has no such office, for the region in which he resides.

The employee representative's report of compensation and contribution for each quarterly period shall be filed on or before the last day of the calendar month following the period for which it is made, except that the report for the period ending September 30, 1939, shall be filed on or before December 31, 1939. If any such last day falls on Sunday or a legal holiday, the report may be filed on the next following business day. If placed in the mails, the report shall be posted in ample time to reach the regional office of the Board, under ordinary handling of the mails, on or before the date on which the report is required to be filed.

§ 346.25 *Later filing.* A regional director of the Board may fix a date for filing any report of compensation and contribution later than that fixed in Sec. 346.20 but not later than the last day of the second calendar month following the period for which such report is made: *Provided, however,* That the fixing of such later date shall not extend the due date of the contribution and shall not prevent the running of interest from the due date as fixed in Sec. 346.30. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.30 *Payment of employee representatives' contributions.* The contribution required to be reported on an employee representative's report of compensation and contribution is due and payable to the Board without assessment or notice, at the time fixed in Sec. 346.20 for filing such report.

Certified or uncertified checks may be tendered as provisional payment of contributions and should be made payable to the Railroad Retirement Board and mailed to the regional office of the Railroad Retirement Board with which the report of compensation and contribution is filed. No employee representative who tenders a check as provisional payment of contribution shall be released from the

obligation to make ultimate payment thereof until such check has been duly paid. If a check is not paid by the bank on which it is drawn, the employee representative by whom such check has been tendered shall remain liable for the payment of the contribution and for all legal penalties and additions to the same extent as if such check had not been tendered. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.40 *Penalty for delinquent or false employee representatives' reports of compensation and contribution—(a) Delinquent reports.* Unless the employee representative required to file a contribution report establishes to the satisfaction of the Board that a reasonable cause exists for the delinquency, the failure to file a report of compensation and contribution on or before the last date for the filing thereof, as fixed either by Sec. 346.20 or pursuant to Sec. 346.25, shall cause to accrue a penalty equal to the following percentage of the contribution required to be reported thereon:

(1) 5 per cent, if the report of compensation and contribution is filed on or before the thirtieth day after such last date for the filing of such report;

(2) 10 per cent, if the report of compensation and contribution is filed after such thirtieth day and on or before the sixtieth day after such last date for the filing of such report;

(3) 15 per cent, if the report of compensation and contribution is filed after such sixtieth day and on or before the ninetieth day after such last date for the filing of such report;

(4) 20 per cent, if the report of compensation and contribution is filed after such ninetieth day and on or before the one hundred and twentieth day after such last date for the filing of such report; or

(5) 25 per cent, if the report of compensation and contribution is filed after such one hundred and twentieth day or if the report of compensation and contribution is never filed by the employee representative required to file it.

In computing the period of delinquency, all Sundays and holidays after the last date for the filing of such report are counted.

Every employee representative filing a report of compensation and contribution after the last date for the filing thereof, shall securely attach to the report a statement under oath setting out in detail the reason for the delinquency. The Board will determine whether a penalty has been incurred and, if so, will make the assessment.

(b) *False reports.* If a false or fraudulent employee representative's report of compensation and contribution is willfully made, the penalty is 50 per cent of the total contribution due for the entire period involved, including any contribution previously paid. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.48 *Interest.* If the employee representative's contribution is not paid to the Board when due, and is not adjusted pursuant to Sec. 346.60, interest accrues at the rate of 1 per centum per month, or fraction of a month. Interest on past due contributions from the due date thereof until the date paid will be assessed after payment of the contributions, and notice and demand made upon the employee representative for payment thereof, in any case in which payment of the contributions is made before assessment. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.60 *Fractions, adjustments, refunds, assessments, collections, liens, references and appeals.* All provisions of Secs. 345.11, 345.12, 345.13, 345.14, 345.15, 345.17, 345.18, 345.20, 345.21, and 345.22 of these Regulations relating to employers, and reports and contributions required of them, insofar as applicable and not inconsistent with the provisions of this Part, shall be applicable with respect to employee representatives and reports and contributions required of them. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

#### *Regulations Governing Posting of Notices to Employees Under the Railroad Unemployment Insurance Act*

Sec. 370.14 of these Regulations is prescribed effective as of December 1, 1939 as follows:<sup>1</sup>

#### PART 370—MISCELLANEOUS

§ 370.14 *Posting notices to employees.* Regional Directors of the Board shall arrange for the posting by employers of such notices to their employees as the Board may provide in order to inform such employees of their rights under the Railroad Retirement Acts and the Railroad Unemployment Insurance Act. Such notices shall be so posted in such numbers and in such places as may be necessary to insure that they will be seen by the greatest number of employees. (Secs. 5, 12, 52 Stat. 1099, 1107; 45 U.S.C. Sup. IV, 362)

By authority of the Board.

[SEAL] JOHN C. DAVIDSON,  
Secretary.

Dated, December 7, 1939.

[F. R. Doc. 39-4536; Filed, December 7, 1939; 11:38 a. m.]

#### AMENDMENT TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937<sup>2</sup>

Pursuant to the general authority contained in Section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j) the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477 DI) are amended as follows:

<sup>1</sup> Board Order 39-737 dated November 28, 1939.

<sup>2</sup> 4 F.R. 1477 DI.



Board Order 39-709, dated November 14, 1939, amends Section 250.03, effective October 1, 1939, by substituting for the first sentence of subsection (c) (5) of this section the following:

"The number of the occupation classification to be shown on each quarterly report shall be that to which the employee is assigned in reports to the Interstate Commerce Commission during the first month in which the individual was employed in each reporting period; provided, however, that employees of railway labor organization employers described in Section 202.15 of these regulations shall not be classified as to occupation."

and by adding as an additional paragraph to the end of subsection (c) (5) the following:

"Employees of railway labor organization employers. Employers which are railway labor organization employers as described in Section 202.15 of these Regulations shall show on their reports of monthly compensation of employees the title and address of the Committee, Department, Lodge, Division or other subordinate unit to which the report is applicable."

#### PART 262—MISCELLANEOUS

Board Order 39-737, dated November 28, 1939, amends Part 262 by adding a new section, effective December 1, 1939, as follows:

"§ 262.02 *Posting notices to employees.* Regional Directors of the Board shall arrange for the posting by employers of such notices to their employees as the Board may provide in order to inform such employees of their rights under the Railroad Retirement Acts and the Railroad Unemployment Insurance Act. Such notices shall be so posted in such numbers and in such places as may be necessary to insure that they will be seen by the greatest number of employees." (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

By authority of the Board.

[SEAL] JOHN C. DAVIDSON,  
Secretary.

Dated, December 7, 1939.

[F. R. Doc. 39-4537; Filed, December 7, 1939; 11:38 a. m.]

#### TITLE 25—INDIANS

##### CHAPTER I—OFFICE OF INDIAN AFFAIRS

##### PART 223—JUDGMENT AND LIEU OF ALLOTMENT FUNDS<sup>1</sup>

##### SUBPART B—REGULATIONS GOVERNING DISBURSEMENT OF PRO-RATA SHARES OF THE JUDGMENT FUND OF THE SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING

Pursuant to the authority vested in me by the Act of July 27, 1939 (53 Stat. 1128—

1130), the following regulations governing the disbursement of pro-rata shares of the Shoshone Judgment Fund are hereby promulgated:

§ 223.50 *Program required; purposes for which expenditures may be made.* Pro-rata shares of the Shoshone Judgment Fund shall be expended only in accordance with an approved program and only for: purchase of land; improvement of land to be acquired or already held by the Indian; erection and improvement of suitable homes; education; medical service, including hospitalization; purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment, supplies, or training necessary to enable the Indian to fit himself for or to engage in farming, livestock raising, industry, or such other pursuits or vocations as will enable him to become self-supporting.

§ 223.51 *Family programs.* The funds of a husband and wife, and of any other adults in a family group, may be used in the execution of a family program, provided the written consent of each individual is filed with the superintendent of the Wind River Indian Agency, Wyoming, hereafter in this subpart referred to as the superintendent. The available funds of a minor may be used in the execution of such family program, only on condition that (a) the funds of such minor are used solely in the development, repair or maintenance of real or personal property owned by said minor or held in trust for him, or in the creation, development, or completion of a project or undertaking or in the production of a gain or profit which will inure directly to the benefit of such minor, (b) title to any real property or fixtures, purchased wholly or in part with his money shall, except with the approval of the Commissioner of Indian Affairs, be held in trust for him, or (c) the adults convey to the United States in trust for such minor sufficient real or personal property to assure, in so far as is possible, that the minor upon attaining majority will have, in lieu of the money, property of a value equal to that of his funds used in the execution of the program. The superintendent shall not approve a family program which involves the transfer to a minor, in exchange for his funds, of assets of a nature which will not be useful to him. The written consent of a minor who is 16 years of age or over, duly witnessed by at least two disinterested persons, shall accompany any family program which involves the use of said minor's funds.

§ 223.52 *Scope of program.* Programs shall contemplate the eventual use of the entire pro-rata share or definitely provide for the conservation of a portion of such share, but in no case shall a program provide for the expenditure in the first year, after its approval, of more than \$1,350 for each adult or more than \$500

for each minor contributing to the program, and the program shall recognize that future use and expenditures for such program after the first year shall depend upon the proper use of the funds initially authorized to be expended. Expenditures of a minor's funds under this sub-part shall not exceed a total sum of \$500 and the remaining \$1,850 of each minor's share shall be held intact until his majority, as required in Sec. 2 of the Act of July 27, 1939.

§ 223.53 *Authority to withhold funds.* The superintendent may stop disbursement of funds in the execution of an approved program upon evidence that the Indian is not complying with the program or that the continuation of the program or expenditures thereunder will not result in benefit to the Indian, and he may require either further justification for carrying out the program theretofore approved or the submission of a new program.

§ 223.54 *Approval of programs.* The superintendent, subject to the limitations described in this sub-part, shall approve or disapprove all programs submitted by Indians for the use and disbursement of pro-rata shares of the Shoshone Judgment Fund. Preference shall be given by the superintendent to programs (a) to establish the Indian in such enterprise or undertaking as will with his resources, training, education, and ability best enable him to succeed in providing for himself and family, (b) for the improvement of housing and living conditions, (c) to assist Indians in obtaining such higher academic or vocational education as will enable them to become self-supporting. Prior to being considered by the superintendent, programs shall be considered and approved by one or more members of the staff of the Wind River Indian Agency who, because of their experience in the fields of endeavor contemplated by the programs, shall be designated by the superintendent to advise and assist the Indians. The Shoshone Business Council may act, or designate a committee of Indians to act, in an advisory capacity in the preparation and consideration of programs. Programs shall be prepared upon an approved form<sup>2</sup> which shall be filled out in duplicate, one copy to be filed at the Wind River Indian Agency, and one copy to remain the property of the Indian.

§ 223.55 *Right of appeal.* Indians shall have the right of appeal, through the superintendent, to the Commissioner of Indian Affairs, (a) from an action by the superintendent in withholding funds under the provisions of Section 223.53, and (b) from an action of the superintendent in disapproving a program under the provisions of Section 223.54. The superintendent shall promptly forward such appeals, with his comments.

§ 223.56 *Limitations on superintendent's authority.* Except as otherwise pro-

<sup>1</sup> Other regulations under Part 223 appear at 4 F.R. 4260 DI.

<sup>2</sup> Forms shall be made available at the Wind River Indian Agency.



vided in Section 223.68, the superintendent shall not, without the approval of the Commissioner of Indian Affairs or his designated representative, (a) approve any expenditure for the purchase of land or an interest in land, or (b) approve any expenditure for the construction of a dwelling or other building estimated to cost \$100 or more, except in cases where such construction is in accordance with designs which have already been approved by the Commissioner of Indian Affairs. Individual land purchases shall not conflict with the tribal program of land purchase, consolidation and use authorized by the Act of July 27, 1939, and the right granted individual Indians by said Act to acquire lands by purchase with restricted funds or by exchange shall not extend to lands on the ceded or opened portion of the Wind River Reservation.

§ 223.57 *Issuance of purchase orders.* All expenditures from pro-rata share accounts for the purchase of property other than real property shall be by purchase orders which shall be issued by the superintendent and shall be headed "To Any Dealer", and which shall indicate the particular items of purchase and the total sum to be expended, and which shall bear a notation to the effect that no cash shall be given to the Indian under any circumstances; provided, that the superintendent may disburse to the individual to whom the order is issued a reasonable amount of cash to enable him to travel by convenient means to a locality where the goods may be purchased; and provided further, that adult Indians may, upon approval of the Shoshone Business Council and the superintendent, have cash disbursed to them in lieu of a purchase order for the execution of an approved program. The provisions of this section are subject to the provisions of Section 223.68.

§ 223.58 *Purchase of real property.* Except as otherwise provided in Section 223.68, payment for purchases of real property shall be made by the superintendent, and shall be made only after title to such property has been examined and approved by the Secretary of the Interior and the deed placed of record. Purchases of real property are subject to the provisions of Section 223.56.

§ 223.59 *Trust status of property.* All personal property purchased shall be covered by a bill of sale in the name of the superintendent in trust for the individual. All real property purchased shall be taken in the name of the United States in trust for the Indian, except that title to real property situated outside the diminished portion of the Wind River Reservation shall not be taken in trust without the prior approval of the Commissioner of Indian Affairs. All livestock purchased and the offspring thereof shall be branded ID and also marked with the individual brand of the Indian. All property, including livestock, whether originally purchased or the income or increase therefrom, shall

be held in trust unless released by the superintendent in the form of a permit or written record authorizing the sale or disposition of any such property or funds. It shall be the duty of the Indian, in carrying out his program, to make every effort to maintain the capital value of his original investment, and sales or other disposals depleting such capital value shall not be permitted except in cases where, in the opinion of the superintendent, such sales or disposals are clearly to the advantage of the Indian. The provisions of this section are subject to the provisions of Section 223.68.

§ 223.60 *Allowances for support.* The superintendent may, upon a proper showing, make expenditures for the maintenance and support of aged, infirm, decrepit, and incapacitated Indians, whether adult or minor, at a rate of not to exceed \$40 a month for adults and \$20 a month for minors. Allowances to minors must be solely for their direct benefit. In the case of allowances to an adult probable expectancy of life shall be considered in determining the amount of such allowances in order that, in so far as possible, his funds shall last during his lifetime.

§ 223.61 *Medical treatment.* The superintendent may expend not to exceed \$200 from the funds of any adult or minor to cover medical, dental, surgical, or hospital treatment, including nurse's services.

§ 223.62 *Education.* The superintendent may permit the expenditure of not to exceed \$25 per year from any minor's account for clothing on account of school needs. In addition, the superintendent may expend not to exceed \$175 a year from the funds of any minor in the ninth grade or above for his tuition, board and room, and other expenses in a government, private, public, or mission school. The superintendent shall give special attention to the educational needs of minors.

§ 223.63 *Approval for certain expenditures.* Authority for the expenditure of amounts in excess of the limitation provided in Section 223.60 must be obtained from the Secretary of the Interior and authority for the expenditure of amounts in excess of those authorized in Section 223.61 and 223.62 must be obtained from the Commissioner of Indian Affairs. Such requests for authorization shall be submitted by the superintendent with a full explanation of the circumstances and his recommendations.

§ 223.64 *Transfer of funds.* When an Indian who is entitled to a pro-rata share of the Shoshone Judgment Fund is a resident within the jurisdiction of another Indian Agency, the superintendent may transfer to the superintendent of such other Agency, to the credit of such Indian, the share of the Shoshone Judgment Fund to which such Indian is entitled. All funds so transferred shall be expended in accordance with this sub-part.

§ 223.65 *Repayment of loans.* The superintendent shall draw checks against the funds of an individual for the repayment of all debts due by him, according to the terms of the agreement signed by the individual, to the United States or to the Shoshone and Arapaho Tribes. If the individual has borrowed from the tribal funds, repayment of all or a part of which loan is not due under the loan agreement, an amount equal to the unpaid balance of the loan, plus interest computed at the rate and for the term agreed upon in the loan agreement, shall be withheld by the superintendent, except that it may be paid over to the individual for use under this sub-part with the written consent of the Shoshone and Arapaho Business Councils.

§ 223.66 *Funds not available for payment of certain debts.* Debts, except those to the United States and the Shoshone and Arapaho Tribes, incurred by Indians prior to July 27, 1939, shall not be paid from any funds made available from the Shoshone Judgment Fund. Debts of Indians will not be paid from the funds to be disbursed under this sub-part unless previously authorized by the superintendent, except in emergency cases necessitating medical treatment or in the payment of last illness or funeral expenses, as authorized in this sub-part, and in any other exceptional cases where specific authority is granted by the Commissioner of Indian Affairs.

§ 223.67 *Disposition of funds in event of death.* The funds remaining to the credit of a deceased Indian shall be carried to the credit of the estate of such individual until his heirs have been determined. After payment of all proper claims against the funds, including reimbursable or other debts due the United States or the Shoshone and Arapaho Tribes and excluding any claims arising out of debts incurred prior to July 27, 1939, the balance, including any sum to his credit on the books of the Indian Office, will be transferred to the individual accounts of the heirs in accordance with the heirship findings of the Secretary of the Interior. Such funds shall be expended in accordance with this sub-part. The superintendent may disburse not to exceed \$40 per month for the support of the widow of a decedent, \$20 per month for the support of each minor child of a decedent, and \$20 per month for the support of an orphaned minor. Before making the disbursement, the superintendent shall reasonably satisfy himself that the recipients are the probable heirs to the estate, that they are in actual need of assistance, and that the value of the estate is sufficient to justify such payments. Complete record of such disbursements must be reported by the superintendent to the examiner of inheritance and by the latter considered and included in his report in the probate proceedings.

\* Comptroller General Ruling A-62264, dated July 25, 1935.



§ 223.68 *Fee Patent Indians.* For the purposes of this sub-part a "fee patent Indian" shall be an adult Indian who has received a patent in fee to his allotment. Fee patent Indians shall be required to submit a program, the approval of which shall be in conformity with Sections 223.50, 223.51, 223.52, 223.53, 223.54, 223.55, and 223.63. Fee patent Indians shall not be required to conform to the provisions of Section 223.56 (b), but shall be required to conform to the remaining provisions of said section, except that they shall be required to conform to the provisions of Section 223.56 (a) only when the purchase of land or an interest in land contemplated by a program concerns lands within the diminished portion of the Wind River Reservation. Fee patent Indians shall not be required to make purchases though purchase orders as provided in Section 223.57, but may have funds disbursed to them by the superintendent for such purchases. The superintendent may disburse to fee patent Indians an initial payment of not more than \$1,350 each for the first year, and thereafter, on evidence of the proper use of the initial payment, a subsequent payment of not more than \$1,000 each for the execution of an approved program. Funds of minor children of fee patent Indians may be included in an approved family program, but their expenditure shall be subject to the same provisions as govern the expenditure of the funds of minor children of Indians other than fee patent Indians. Fee patent Indians shall be required to conform to the provisions of Section 223.58 only when the purchase of real property involves such property situated within the diminished portion of the Wind River Reservation; payment by fee patent Indians for real property outside the diminished portion of the Wind River Reservation may be made by them with funds disbursed to them by the superintendent and approval of title to such property by the Secretary of the Interior shall be only upon their request. Upon the request of fee patent Indians, and with the approval of the Shoshone Business Council and the superintendent, such Indians shall not be required to conform to the provisions of Section 223.59, except that title to real property situated within the diminished portion of the Wind River Reservation shall be taken in the name of the United States in trust for such Indians and title to real property situated outside the diminished portion of the Wind River Reservation shall not be taken in the name of the United States in trust but shall be taken in fee in the name of such Indians. Except as otherwise provided in this section, fee patent Indians shall conform to all the provisions of this sub-part.

§ 223.69 *Non-resident Indians.* The provisions of Section 223.68 pertaining to fee patent Indians shall also apply to Indians other than fee patent Indians who habitually reside away from the Wind

River Reservation and have, to all intents and purposes, severed their affiliation with the tribe, and who shall furnish to the superintendent in writing a statement that they intend to continue to reside away from the reservation and evidence, satisfactory to the superintendent, of their competency and ability to support themselves and manage their own affairs.

§ 223.70 *Definition of "Adult" and "Minor."* The term "adult" shall include all members of the tribe 18 years of age or over, and the term "minor" shall include all members of the tribe less than 18 years of age.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.  
NOVEMBER 29, 1939.

[F. R. Doc. 39-4532; Filed, December 7, 1939;  
9:38 a. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket Nos. 1117-FD to 1119-FD and  
1121-FD to 1133-FD]

**BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 20, COMPLAINANT, vs. JOHN ARRONCO, BAILEY COAL CO., H. G. CAMPBELL, COMFORT COAL CO., JACK DOBS, ERNEST JAGGI, J. B. JOHNSON, LOG CABIN COAL CO., LEO D. MUNK, MUTUAL COAL CO., RIO GRANDE COAL CO., J. R. SITTERUD, ORRIN L. SNOW, STANDARD COAL CO., SWEET COAL COMPANY OF UTAH, TWIN CITIES COOPERATIVE, DEFENDANTS**

##### NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 20, Complainant, having filed with the Bituminous Coal Division, pursuant to Section 5 (b) of the Bituminous Coal Act of 1937, complaints alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder;

It is ordered, That a hearing on such matters be held on January 16, 1940, at 10 o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, Room 200, the Post Office, Salt Lake City, Utah.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the

Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendants, and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before January 12, 1940.

The matters concerned herewith are in regard to complaints filed by Bituminous Coal Producers Board for District No. 20, alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder for failure to pay District Board Assessments.

Dated, December 7, 1939.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 39-4538; Filed, December 7, 1939;  
11:39 a. m.]

##### Office of Indian Affairs.

**DECLARATION OF POLICY IN DISBURSEMENT OF THE JUDGMENT FUND OF THE SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING**

NOVEMBER 29, 1939.

The Shoshone Judgment Fund represents the cash equivalent of land which was taken from the Tribe. The Fund, therefore, should be treated by the Shoshone Indians as a capital asset, in the nature of land, and thus to be conserved.

Congress has authorized the pro-ration of a portion of the Judgment Fund to living Indians for their use to foster their development and to enable them to become self-supporting. The objects for which the individual portions of the Judgment Fund may be expended have been strictly limited and defined by the Congress as indicated by the following extract from the act of July 27, 1939 (53 Stat. 1128-1130):

"Purchase of land, improvement of lands to be acquired or already held by the Indian, for the erection and improvement of suitable homes, the purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education, as will enable them to become self-supporting: Provided, however, That the funds of the aged, infirm, decrepit, and incapacitated members may be used for their proper maintenance and support in the discretion of the Secretary of the Interior. The remainder of the share of each adult in-



dividual Indian, including accrued interest, shall be made available under such rules and regulations as the Secretary of the Interior may prescribe, and the remainder of the share of each minor Indian shall, with accrued interest, be held intact until such Indian reaches the age of eighteen years, when it shall be available under the same conditions as herein provided for adults. As herein used the term "adult" shall include the members of the tribe eighteen years of age or over, and the term "minor" shall include all members less than eighteen years of age. On the death of any enrolled member, adult or minor, the sum on deposit to his credit shall be available for expenditure for the benefit of his heirs for the purposes herein authorized."

The programs to be developed must, therefore, be in accord with the stated Congressional policy. The policy applies equally to those who may reside on the Wind River Reservation or any other reservation and those who, by reason of having received patents in fee or otherwise, are residing outside of the jurisdiction of any Indian Agency.

Production of income is dependent upon the success of the enterprise in which the individual invests his capital. Individuals should use great care and thought in determining the uses to which their share of the Judgment Fund will be put, with a view to obtaining the greatest amount of income over the longest possible period.

The money here involved represents a substantial part of the heritage of living Indians. In order that the value of this heritage may be of the greatest benefit to the present generation and be preserved for future generations, those responsible for the preparation and consideration of programs for the expenditure of these funds are charged with the duty of safeguarding such funds and of giving careful consideration to any and all plans for their use.

The representatives of the various technical activities at the Wind River Indian Agency will advise with and assist the Indians in the preparation of their programs. Approval of a program will be expedited by taking it up with the division head most familiar with the type of program contemplated, before it is submitted to the Superintendent.

In all family programs which contemplate the use of funds of minors or adults (other than the head of the family and his wife), attention must be given to the probability that in the future such minors or adults may desire to create a new home or to develop their individual plans or programs on their own allotments or on land they may acquire. Care should be exercised so that the normal development of such individuals will not be impeded.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 39-4533; Filed, December 7, 1939;  
9:38 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

#### NOTICE OF DESIGNATION OF PRESIDING OFFICER FOR HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 6 FOR THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

Whereas the Notice of Hearing on Minimum Wage Recommendation of Industry Committee No. 6 for the Shoe Manufacturing and Allied Industries provided that said hearing will be held before a presiding officer to be designated by the Administrator before December 11, 1939; and

Whereas the issues to be presented at said hearing have been narrowly confined by Sections 8 (b) and 8 (c) of the Fair Labor Standards Act of 1938 and by the report and recommendation of Industry Committee No. 6.

Now, therefore, it is hereby ordered and notice is hereby given that:

1. Major Robert N. Campbell be the Presiding Officer at said hearing on the minimum wage recommendation of Industry Committee No. 6 and conduct said hearing in accordance with the rules published in the notice of said hearing; and

2. No intermediate report will be prepared by the Presiding Officer unless so directed by the Administrator, but in lieu thereof, the Presiding Officer shall turn over to the Administrator at the close of the hearing the complete record of the proceedings had before him and the Administrator shall thereafter hear oral argument or accept written briefs upon said record or both as he may determine.

Signed at Washington, D. C., this 7th day of December 1939.

HAROLD D. JACOBS,  
Administrator.

[F. R. Doc. 39-4543; Filed, December 7, 1939;  
12:19 p. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 8, 1939, until October 24, 1940, subject to the following terms:

#### OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the

past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

#### NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

#### NAME AND ADDRESS OF FIRM AND PRODUCT

Biberman Brothers, Inc., Northumberland, Pennsylvania (5 learners), dresses.  
Big Jack Overall Company, Bristol, Pennsylvania, overalls, work pants and shirts.

Frances Gee Garment Co., Richmond, Missouri, dresses and uniforms.

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,  
Director, Hearings Branch.

[F. R. Doc. 39-4544; Filed, December 7, 1939;  
12:43 p. m.]

#### NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 8, 1939, until April 5, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:



## OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Name and address of firm	Product	Number of learners
Frances Gee Garment Co., Richmond, Missouri.	Dresses and uniforms.	20

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,  
Director, Hearings Branch.

[F. R. Doc. 39-4546; Filed, December 7, 1939; 12:46 p. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly

wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 8, 1939, until September 18, 1940, subject to the following terms:

## OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

## NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

## NAME AND ADDRESS OF FIRM

Ambler Hosiery Mill, Ambler, Pennsylvania (1 learner).

Hosiery Retailers, Philadelphia, Pennsylvania (3 learners).

Tred Avon Hosiery Mills, Oxford, Maryland (5 learners).

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,  
Director, Hearings Branch.

[F. R. Doc. 39-4550; Filed, December 7, 1939; 12:47 p. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the

said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 8, 1939, until October 24, 1940, subject to the following terms:

## OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour: *Provided, however*, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

## NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

## NAME AND ADDRESS OF FIRM AND PRODUCT

Leininger Knitting Mills, Orwigsburg, Pennsylvania (5 learners), underwear and outerwear.

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,  
Director, Hearings Branch.

[F. R. Doc. 39-4551; Filed, December 7, 1939; 12:48 p. m.]



**NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY**

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 8, 1939, until October 24, 1940, subject to the following terms:

**OCCUPATIONS, WAGE RATES, AND CONDITIONS**

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, time-keepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour: *Provided, however*, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection.

Altering or attempting to alter any Certificate will render it invalid.

**NUMBER OF LEARNERS**

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

**NAME AND ADDRESS OF FIRM AND PRODUCT**

American Throwing Company, Griffin, Georgia (3 learners), silk throwing.  
 Angle Silk Mills, Inc., Rocky Mount, Virginia, rayon and silk fabrics.  
 Bear Brand Hosiery Co., Kankakee, Illinois, cotton yarn.  
 Cetwick Silk Mills, Inc., Asheboro, North Carolina, silk throwing.  
 Esther Mill Company, Shelby, North Carolina, rayon, wool, cotton, and flax.  
 Georgia Webbing & Tape Co., Columbus, Georgia (3 learners), narrow woven products.  
 Macon Textiles, Inc., Macon, Georgia, colored cotton yarns.  
 Magnolia Cotton Mill Co., Magnolia, Arkansas (3 learners), cotton cloth.  
 Moore & Gram Webbing Co., West Concord, Massachusetts (2 learners), cotton and rayon yarns.  
 Pioneer Fabric Company, Gadsden, Alabama (3 learners), narrow fabrics.  
 Raucher Mfg. Company, Norwich, Connecticut (2 learners), braided cordage.  
 Real Silk Hosiery Mills, Indianapolis, Indiana, silk throwing.  
 Rocky Mount Mills, Rocky Mount, North Carolina, cotton yarns.  
 Roselin Manufacturing Co., Williamantic, Connecticut, braids and ribbon.  
 Seaboard Silk Mills, Elberton, Georgia, silk and rayon thread.  
 Utica Knitting Company, Mill No. 4, Utica, New York, cotton, rayon and wool yarns.  
 Utica Knitting Company, Mill No. 5, Sherburne, New York, cotton, rayon and wool yarns.  
 W. Warren Thread Works, Westfield, Massachusetts (3 learners), cotton thread.  
 Worth Mills, Fort Worth, Texas, cord tire fabric.

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,  
 Director, Hearings Branch.

[F. R. Doc. 39-4545; Filed, December 7, 1939; 12:43 p. m.]

**NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY**

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to employers listed below effective December 8, 1939,

until March 8, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

**OCCUPATIONS, WAGE RATES, AND CONDITIONS**

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, time-keepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy



of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

Name and address of firm	Product	Number of learners
Roselin Manufacturing Co., Willimantic, Connecticut.	Braids and Ribbon.	16

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,  
Director, Hearings Branch.

[F. R. Doc. 39-4547; Filed, December 7, 1939;  
12:46 p. m.]

**NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY**

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 8, 1939, until October 24, 1940, subject to the following terms:

**OCCUPATIONS, WAGE RATES, AND CONDITIONS**

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the

plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

**NUMBER OF LEARNERS**

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

**NAME AND ADDRESS OF FIRM AND PRODUCT**

Cherokee Candlewick, Inc., Calhoun, Georgia, chenille bedspreads.  
J. D. & S. Corporation, Calhoun, Georgia (5 learners), chenille bedspreads.  
Looper's Inc., Dalton, Georgia (5 learners), bedspreads and bath mats.  
Shapiro & Son Curtain Corp., Easton, Pennsylvania, bedspreads.

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,  
Director, Hearings Branch.

[F. R. Doc. 39-4548; Filed, December 7, 1939;  
12:46 p. m.]

**NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY**

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 8, 1939, until June 8, 1940, unless otherwise indicated subject to the following terms and limited to the number of learners indicated opposite the employer's name.

**OCCUPATIONS, WAGE RATES, AND CONDITIONS**

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work

operator or less than eight (8) weeks experience as a chenille operator plus eight (8) weeks retraining as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period, no learner may be paid at a rate less than 25¢ an hour; *Provided, however*, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Special Certificates are issued on representations by the employers that: (a) experienced operators are not available and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates may be cancelled as of the date of their issuance, if it is found upon objection duly filed within fifteen (15) days following the publication of notice of their issuance that the issuance of these Certificates are not necessary to prevent curtailment of opportunities for employment. They may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the Employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

Name and address of firm	Product	Number of learners
Shapiro & Son Curtain Corp., Easton, Pennsylvania.	Bedspreads.	15

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,  
Director, Hearings Branch.

[F. R. Doc. 39-4549; Filed, December 7, 1939;  
12:47 p. m.]



## FEDERAL POWER COMMISSION.

[Docket Nos. G-109, G-112]

ILLINOIS COMMERCE COMMISSION, COMPLAINANT, v. NATURAL GAS PIPELINE COMPANY OF AMERICA AND TEXOMA NATURAL GAS COMPANY, DEFENDANTS; AND IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA AND TEXOMA NATURAL GAS COMPANY

ORDER POSTPONING DATE FOR HEARING ON MOTION FOR INTERIM RATE ORDER

DECEMBER 5, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, John W. Scott. Leland Olds not participating.

It appearing to the Commission that:

On November 15, 1939, the Commission adopted an order setting for hearing<sup>1</sup> before the Commission *en banc* on Monday, December 11, 1939, at 10:00 a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., a motion filed by counsel for Illinois Commerce Commission, Complainant, and counsel for the Federal Power Commission, praying that the Commission adopt an interim rate order in these proceedings;

The Commission orders that:

For good cause shown, the hearing now set on said motion for an interim rate order be and it is hereby postponed from December 11, 1939, to December 18, 1939, at the same time and place designated in said order of November 15, 1939.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 39-4531; Filed, December 7, 1939; 9:38 a. m.]

## FEDERAL TRADE COMMISSION.

United States of America—Before  
Federal Trade Commission

[Docket No. 3962]

IN THE MATTER OF CONTINENTAL BAKING COMPANY

COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. The respondent Continental Baking Company is a corporation

organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 630 Fifth Avenue, New York, New York.

PAR. 2. Respondent corporation is now, and has been since June 19, 1936, engaged in the business of manufacturing, offering for sale, selling and distributing bread and allied products. Respondent is one of the largest producers and distributors of bread and allied products in the United States. During the years 1936 and 1937 the net sales of respondent's products amounted to \$58,162,608 and \$69,452,650, respectively. There has been during all times mentioned herein a nationwide demand for respondent's products and the respondent endeavors to increase said demand by means of advertising, both through periodicals having a national circulation and through nationwide radio broadcasts.

The production of respondent's products is carried on at some 68 factories or plants located in some 28 states of the United States and in the District of Columbia.

Respondent sells and distributes said products in commerce between and among the various states of the United States and the District of Columbia and preliminary to, or as a result of said sales, causes said products to be shipped and transported from the place of origin of the shipment to the purchasers thereof, who are located in states other than the state of origin of the shipment. There is and has been at all times herein mentioned a continuous current of trade and commerce in said products across state lines between respondent's factories and the purchasers of said products. Said products are sold for use, consumption and resale within the United States.

PAR. 3. In the course and conduct of its business as aforesaid, respondent is now, and during the time herein mentioned has been, in substantial competition with other corporations, partnerships, firms and individuals engaged in the business of manufacturing, offering for sale, selling and distributing bread and allied products in commerce.

PAR. 4. In the course and conduct of its business as aforesaid, respondent has been, and is now, discriminating in price between different purchasers buying its bread of like grade and quality sold by the respondent in interstate commerce for use, consumption and resale within the United States by giving and allowing certain purchasers of its bread, lower prices than given or allowed other of its said purchasers. Said discrimination in price is by the following practices and policy pursued by the respondent, to-wit:

In certain trade areas or localities respondent sells its bread of like grade and quality and of a definite weight at one price, while at the same time in another trade area served from the same plant or factory, the same type of bread and of the same weight is sold at a lower price, or in certain trade areas or localities

bread of the same grade and quality and of a definite weight is sold at one price, while at the same time, in another trade area served from the same plant or factory, bread of the same grade and quality, but greater in weight, is sold for the same price as the bread of less weight.

To illustrate, from its plant located in Kansas City, Missouri, respondent serves its customers in the States of Kansas and Missouri. From this plant prior to December of 1938 the prevailing price charged by the respondent for a 20-ounce loaf of bread which it sold to its retail customers was 8¢ per loaf. Subsequent to December of 1938 respondent continued to sell the 20-ounce loaf of bread to its customers in the so-called Kansas City area at 8¢ per loaf and at the same time and from the same factory sold and delivered to its customers in the so-called Leavenworth, Kansas, area and the so-called Osawatomie, Kansas area a 24-ounce loaf of bread at 8¢ per loaf.

To further illustrate the practices of respondent; from its plant located in Shreveport, Louisiana, respondent serves customers not only in the State of Louisiana but also in the State of Texas. Prior to February of 1939 the prevailing price for bread sold by the respondent from its Shreveport, Louisiana plant was 10¢ for 24 ounces and 7¢ for 16 ounces. Subsequent to February of 1939, respondent sold its 24-ounce loaf of bread to customers located in the so-called Shreveport, Louisiana area for 10¢ a loaf and at the same time and from the same factory sold and delivered the 24-ounce loaf of bread to its customers located in the so-called Marshall, Texas, area for 8¢ per loaf.

The foregoing are but some of the examples showing the practices of the respondent by which it discriminates in price between its customers.

PAR. 5. The general effect of said discrimination in price so made by the respondent as set forth above has been, and may be, (a) substantially to lessen competition; (b) to injure, destroy or prevent competition between respondent and its competitors in the sale and distribution of bread; and (c) to tend to create a monopoly in respondent in said line of commerce in the various localities or trade areas in the United States in which respondent and its competitors are engaged in business.

PAR. 6. The foregoing alleged acts and practices of said respondent are violations of Subsection 2 (a) of Section 1 of the said Act of Congress approved June 19, 1936, entitled "An act to amend Section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U.S.C. Title 15, Sec. 13), and for other purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 4th day of December, A. D., 1939, issues its complaint against said respondent.

<sup>1</sup> 4 F.R. 4615 DI.



## NOTICE

Notice is hereby given you, Continental Baking Company, respondent herein, that the 12th day of January, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or

both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 4th day of December, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-4535; Filed, December 7, 1939;  
10:39 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1939.

[File No. 32-185]

## IN THE MATTER OF WISCONSIN MICHIGAN POWER COMPANY

## ORDER OF THE COMMISSION

Wisconsin Michigan Power Company, a subsidiary of The North American Company, a registered holding company, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for an order exempting the proposed issue and sale of 40,000 shares of Preferred Stock, 4½% Series, 10,000 shares of common stock and certain promissory notes in the aggregate principal amount of \$620,000 from the requirements of Section 6 (a) of said Act, and having also filed a declaration pursuant to Section 7 of said Act regarding the proposed alteration of certain rights of the holders of the outstanding securities of said applicant;

It is ordered, That said application be, and the same is hereby, approved and said declaration be, and the same is hereby permitted to become effective forthwith, subject, however, to the following conditions:

(1) That the issue and sale involved in the declaration and application be carried out and effected respectively in accordance with the terms and conditions of and for the purposes represented by said application and declaration;

(2) That the exemption granted in accordance herewith, of the issue and sale of the Preferred Stock, 4½% Series, the Common Stock and the Promissory Notes shall terminate without further order of the Commission in the event that the authorization of the Public Service Commission of Wisconsin shall be revoked or otherwise terminated;

(3) That, within ten days after the issue and sale of the Preferred Stock, 4½% Series, the Common Stock, and the Promissory Notes, the applicant shall file with this Commission a Certificate of Notification showing that such issue and sale have been effected in accordance with the terms and conditions and for the purposes represented by said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-4539; Filed, December 7, 1939;  
11:45 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of December, A. D. 1939.

[File No. 1-2139]

## IN THE MATTER OF MISSOURI PACIFIC RAILROAD COMPANY 5% CUMULATIVE CONVERTIBLE PREFERRED STOCK, \$100 PAR VALUE; AND COMMON STOCK, \$100 PAR VALUE

## ORDER OF THE COMMISSION

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether registration of the 5% Cumulative Convertible Preferred Stock, \$100 Par Value, and Common Stock \$100 Par Value, of Missouri Pacific Railroad Company on the New York Stock Exchange, should be suspended or withdrawn; and

After appropriate notice, a hearing having been held in this matter before a trial examiner; the trial examiner having filed his advisory report herein; counsel for the registrant and interveners having filed exceptions thereto; briefs having been filed and argument having been heard by the Commission; the record in this matter having been duly considered; and the Commission having this day filed its findings of fact and opinion;

It is ordered, That the registration of the 5% Cumulative Convertible Preferred Stock, \$100 Par Value, and Common Stock, \$100 Par Value, of Missouri Pacific Railroad Company shall be withdrawn thirty days after the date hereof; provided that, if appropriate amendments shall be filed within said thirty day period, no such order of withdrawal shall issue and the proceedings shall be dismissed without prejudice to future proceedings on any proper ground.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-4540; Filed, December 7, 1939;  
11:45 a. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1939.

[File No. 43-278]

IN THE MATTER OF AMERICAN GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 20, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1939.

The matter concerned herewith is in regard to the proposed issue and sale by American Gas and Electric Company, a registered holding company (18.89% of whose common stock is owned by Electric Bond and Share Company, also a registered holding company), of \$30,000,000 principal amount sinking fund debentures, a temporary bank loan not to exceed \$20,000,000 face amount and 355,623 shares \$100 par value cumulative preferred stock and the change of 4,482,737 shares of common stock from no par value to a par value of \$10 per share.

American Gas and Electric Company is a New York corporation. It owns, directly or indirectly, all of the outstanding common capital stocks of all of its principal subsidiaries and preferred stocks and bonds of several of them and all or

fifty per cent of the capital stocks of several minor subsidiary companies. The operating subsidiaries of the system furnish electric, steam and water services to communities in Michigan, Indiana, Ohio, West Virginia, Virginia, Kentucky, Tennessee, Pennsylvania, and New Jersey.

The net proceeds of the issuance and sale of the sinking fund debentures and cumulative preferred stock (exclusive of accrued interests and accrued dividends but after deducting estimated expenses in connection therewith), together with the treasury funds of the declarant to the extent necessary, are to be used for the following purposes:

- (1) To deposit with the trustee, in trust, cash equal to principal and premium required for redemption of \$30,000,000 principal amount of declarant's presently outstanding Gold Debentures 5% Series, due 2028 (to be called for redemption on or before March 1, 1940, at 106% of the principal amount thereof), amounting to----- \$31,800,000
  - (2) To deposit with the redemption agent, cash equal to the redemption price required for redemption of 355,623 shares (exclusive of shares reacquired and held in declarant's treasury) of \$6 preferred stock, no par value (to be called for redemption on or before March 1, 1940, at \$110 per share), amounting to----- 39,118,530
- Total----- 70,918,530

The interest and dividend rates for the securities proposed to be issued have not yet been supplied. The sinking fund debentures are to be of three series and the series will mature in 1950, 1960, and 1970, respectively. The temporary bank loan, if made, will both be issued and discharged in the course of the closing concerning the issuance of the cumulative preferred stock. The proposed 355,623 shares of \$100 par cumulative preferred stock are to be issued following the redemption of a similar number of shares of presently outstanding \$6 preferred stock, no par value, (excluding 40,936 shares in declarant's treasury which are to be canceled), with stated value of \$33,428,385.14. The presently outstanding 4,482,737 shares of common stock, no par value (excluding 6,129 $\frac{1}{2}$  shares in declarant's treasury) which are to be changed to a par value of \$10 per share, now has a stated value of \$10 per share.

Fees and commissions incident to the proposed transactions are to be supplied in an amendment.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-4541; Filed, December 7, 1939; 11:45 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1939.

[File No. 47-50]

IN THE MATTER OF PEOPLES LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 27, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 22, 1939.

The matter concerned herewith is in regard to the acquisition by the above-named applicant (a wholly-owned subsidiary of The United Light and Power Company, a registered holding company) of all the electric utility assets used and useful in the transformation and distribution of electric energy, from The Bettendorf Company, a non-affiliated company. The consideration to be paid to The Bettendorf Company for the properties is stated by the applicant to be the sum of \$125,000 in cash, subject to closing adjustments.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-4542; Filed, December 7, 1939; 11:45 a. m.]